

AO 91 (Rev. 11/11) Criminal Complaint

**FILED**UNITED STATES DISTRICT COURT  
LAS CRUCES, NEW MEXICO

## UNITED STATES DISTRICT COURT

for the

MAR 8 2023

District of New Mexico

MITCHELL R. ELFERS  
CLERK OF COURT

United States of America

v.

Yamilet Isabel MARTINEZ

Case No.

23-427MJ

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 5, 2022 in the county of Chaves in the  
District of New Mexico, the defendant(s) violated:

Code Section

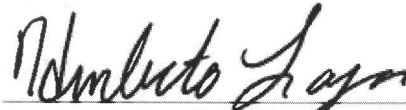
Offense Description

Title 18 USC, 922(g)(1)

Possession or Receipt of a Firearm, or Ammunition by a Convicted Felon

This criminal complaint is based on these facts:

See Attached Affidavit

☒ Continued on the attached sheet.

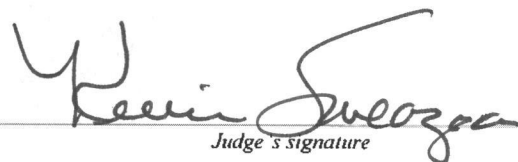
Complainant's signature

Humberto Loya, Task Force Officer, ATF

Printed name and title

by telephone

Sworn to before me and signed in my presence.

Date: 03/08/2023

Judge's signature

Kevin R. Sweazea, U.S. Magistrate Judge

Printed name and title

City and state: Las Cruces, New Mexico

**CRIMINAL COMPLAINT**

United States

Vs.

Yamilet Isabel MARTINEZ

**AFFIDAVIT**

I, Humberto Loya, being duly sworn, depose and state the following:

1. I am a Task Force Officer (TFO) with the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), and have been so employed since July of 2022. I am currently assigned to the Las Cruces Field Office and specifically to the Roswell Satellite Office, which is involved in various facets of ATF's enforcement programs. I am also a full-time Law Enforcement Officer employed with the Roswell Police Department and have been since June 2015. I am currently assigned to the Criminal Investigations Division as a Detective. I am a graduate of the New Mexico Law Enforcement Academy and have over seven years of law enforcement experience. I have also had classroom and on the job training conducting investigations in violent crimes, homicides, crimes against children and sexual assaults which have resulted in felony arrests and convictions.
2. The information contained in this affidavit is based upon information obtained from law enforcement investigators, along with the review of government records. Additionally, this affidavit is based on reports, information, and observations made by other law enforcement officers directly involved in this investigation. This affidavit does not

## **CRIMINAL COMPLAINT**

include all the facts of the investigation, but rather serves to establish probable cause to support the request for a federal criminal complaint for the arrest of Yamilet Isabel MARTINEZ (hereinafter referred to as MARTINEZ).

3. Your Affiant respectfully submits that there is probable cause to believe that MARTINEZ, a previously convicted felon, is in violation of the Gun Control Act and specifically, 18 U.S.C. § 922(g)(1) – Possession of a Firearm and/or Ammunition by a Person Convicted of a Crime Punishable by Imprisonment for a Term Exceeding One Year.
4. For purposes of this affidavit, a Raven Arms MP25 .25 caliber handgun bearing serial number: 1193516, is the firearm which your Affiant alleges MARTINEZ possessed. As such, this affidavit seeks judicial authorization to arrest MARTINEZ.

### **The Investigation**

5. On Saturday November 5, 2022, at approximately 11:13 p.m., Roswell Police Department Officers contacted Deputies with the Chaves County Sheriff's Office (CCSO) in reference to locating MARTINEZ and the suspect vehicle at a residence in Roswell (hereinafter "Suspect Residence") regarding an ongoing homicide investigation. On November 6, 2023, CCSO Deputies obtained and executed a nighttime state district court search warrant for the Suspect Residence. During the execution of the warrant, CCSO Deputies seized a silver in color GMC Envoy from the residence and later obtained a search warrant for that vehicle.
6. Your Affiant did a local records management check for the Suspect Residence and found that since July 2022, MARTINEZ has been contacted at this address at least five times by

## CRIMINAL COMPLAINT

law enforcement for different calls ranging from house checks for CYFD, to domestic disturbances and search warrants. As it pertains to the GMC Envoy, MARTINEZ has been previously stopped as the driver of the vehicle and has openly admitted to law enforcement the vehicle belongs to her.

7. During the execution of the Suspect Residence, CCSO Deputies located MARTINEZ's wallet with her driver's license, social security card and other cards with her name on it in the living room. CCSO Deputies also located court records addressed to MARTINEZ in the living room. There were photographs of MARTINEZ throughout the home as well. In a purse, hanging on a wall, was a 9mm magazine with live rounds in it.
8. The Suspect Residence is a one-bedroom house. The bedroom contained female adult clothing items as well as other clothing items. MARTINEZ has a minor child, consistent with the age of clothing that was located. The wall in the bedroom had a license plate with the name "Yami" on it, which your Affiant believes this is short for Yamilet. Because of this, your affiant believes that the Suspect residence belongs to MARTINEZ and that she was residing there prior to the execution of the search warrant at that residence.
9. During the search of residence, CCSO Deputies located a holster in the second drawer of a dresser and a Raven Arms MP-25 handgun, bearing serial number 1193516 with the magazine in it in the third drawer. This same dresser also contained female clothing. On the television stand in the bedroom, CCSO Deputies located one live "FC" 9mm Luger round.

## **CRIMINAL COMPLAINT**

10. On November 7, 2022, CCSO Deputies executed a search warrant on the GMC Envoy belonging to MARTINEZ. During the execution of the search warrant, CCSO Deputies located various ammunition of different calibers. They also located documents which indicated that MARTINEZ took the vehicle for maintenance work.

### **The ATF Investigation**

11. After reviewing the details of the investigation, your Affiant conducted a criminal intelligence query of MARTINEZ's information.
12. Your Affiant reviewed MARTINEZ's criminal history, which showed the following felony convictions:
- a. March 18, 2015: Convicted of Forgery (4th degree felony), Conspiracy to commit Forgery (4th degree felony) and sentenced to one year, four months and ten days of supervised probation out of the Fifth Judicial District Court, Case No. D-504-CR-2015-00088.
  - b. September 11, 2017: Convicted of Possession of a firearm or destructive device by a felon (4th degree felony) and sentenced to one year, and six months of supervised probation out of the Fifth Judicial District Court, Case No. D-504-CR-2017-00243.
13. Because MARTINEZ has multiple felony convictions, to include one prior conviction of being a felon in possession of a firearm and has been sentenced to more than one year on those convictions, there is probable cause to believe that she is aware of the fact that she is a convicted felon.




**CRIMINAL COMPLAINT**

14. Accordingly, your Affiant submits that MARTINEZ, being in possession of the aforementioned firearm, is in violation of 18 U.S.C. § 922(g)(1).
15. Additionally, on March 3, 2023, your Affiant confirmed with ATF Resident Agent in charge, Richard Chmielewski, who has been trained by the ATF as an expert in relation to Interstate NEXUS determinations of firearms and ammunition, that the firearm involved in this investigation was not manufactured in New Mexico and therefore traveled in interstate commerce.

**Conclusion**

16. Based upon the above, your Affiant respectfully submits that probable cause exists to believe that MARTINEZ possessed the listed firearm and is therefore in violation of 18 U.S.C. § 922(g)(1).
17. As such, your Affiant respectfully requests permission to arrest MARTINEZ for the listed violation of federal law.
18. This criminal complaint was approved by AUSA Maria Y. Armijo.

  
Humberto Loya, Task Force Officer  
Bureau of Alcohol, Tobacco, Firearms and Explosives

Subscribed and sworn to <sup>by telephone</sup> ~~before me~~ this 8 day of march 2023.

  
THE HONORABLE KEVIN R. SWEAZE  
UNITED STATES MAGISTRATE JUDGE